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May 20, 2022

VIA ECF

The Honorable Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: Fischler v. Vaber Medical Testing LLC, 1:21-cv-10439-KPF

Dear Judge Failla:

We represent Plaintiff Brian Fischler in this website accessibility case. We submit this letter motion to respectfully request that the May 27, 2022 Initial Pretrial Conference be adjourned *sine die*. Plaintiff filed earlier today with the Clerk of Court a request for a Certificate of Default based on Defendant's continuing failure to answer or otherwise enter an appearance.

Plaintiff filed his Complaint on December 7, 2021. Defendants were served on March 7, 2022 and their answer was due on March 28, 2022. No answer or motion was filed. To date, no attorney has entered an appearance on Defendant's behalf. The Court has now scheduled three Initial Conferences: March 18, 2022 (Dkt. 6), April 21, 2022 (Dkt. 8) and May 27, 2022 (Dkt. 11), the first two of which were adjourned at Plaintiff's request due to Defendant's non-appearance.

We appreciate the Court's consideration of this request.

Respectfully submitted,  
LIPSKY LOWE LLP

s/ Christopher H. Lowe  
Christopher H. Lowe

Cc. Defendant's via USPS

Application GRANTED. The initial pretrial conference scheduled for May 27, 2022, is hereby ADJOURNED *sine die*. The Clerk of Court is directed to terminate the pending motion at docket number 14.

Dated: May 23, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE